THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 14624 of 2007

DATE: 10-07-2007

Between :

D.Sundara Rao

… Petitioner

And

The Revenue Divisional Officer,
Vijayawada, Krishna District and another.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 14624 of 2007

ORDER:

Petitioner is the authorized dealer of the fair price shop No.16 of Gollapudi village, Vijayawada Rural Mandal. By proceedings, dated 26-06-2007, the first respondent-Revenue Divisional Officer has suspended the authorisation of the petitioner pending enquiry into certain alleged irregularities in distribution of essential commodities. The said order is under challenge in this writ petition.

Though the learned counsel for the petitioner vehemently contended that all the allegations are false and without any basis and suspension of the authorisation is unwarranted and unjustified, I am not inclined to express any opinion on merits since it is a matter for enquiry by the first respondent-Revenue Divisional Officer. It is always open to the petitioner to submit his explanation along with the supporting material, in which event, the first respondent-Revenue Divisional Officer, shall consider the same and appropriate orders be passed following due process of law. Pending such enquiry, the first respondent is competent to suspend the authorisation in public interest as an interim measure.

Such discretionary order made in public interest cannot be held to be illegal or arbitrary.

Hence, the interference by this Court at this stage is not warranted.

Having regard to the facts and circumstances of the case, the writ petition is disposed of with a direction to the first respondent to complete the enquiry and pass appropriate orders in accordance with

law as expeditiously as possible preferably within a period of ten weeks from the date of receipt of a copy of this order. Keeping in view the observations made by the Division Bench in **The Joint Collector, Kurnool v. A. Neelima**[1] that the reasonable period for completing the enquiry initiated against a fair price shop dealer shall be 90 days, it is made clear that in case the first respondent fails to complete the enquiry within the time fixed above, the authorisation of the petitioner shall stand restored. No costs.

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G. ROHINI, J.

Date:10-07-2007

Note: Issue C.C. by tomorrow

B/o

KLP

[1] [1] 1996(1) APLJ 285.